

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of

MARTHA J. HUBER, et al.,

For Construction Permit for a
New FM Station on Channel 234A
In New Albany, Indiana

)
)
)
)
)
)
)

MM Docket No. 93-51

RECEIVED

AUG 17 1993

To: Honorable Richard L. Sippel
Administrative Law Judge

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION FOR DEFERRAL OF PROCEDURAL DEADLINES

On behalf of all parties in the above-referenced proceeding, Staton Communications, Inc. ("Staton") hereby moves for a 45-day deferral of the procedural dates and deadlines in MM Docket No. 93-51. As reported on August 11, 1993 by counsel for applicant Rita Reyna Brent, all four remaining applicants in this proceeding have agreed in principal to a global settlement. The settlement contemplates a merger arrangement, by which each of the applicants would hold equal shares in a newly-created corporation.

A brief 45-day deferral of procedural deadlines is necessary to permit the parties to reduce the settlement to a written agreement, to prepare and submit documentation necessary to form a new corporation (which will be substituted as the construction permittee) and to prepare a request for approval of the settlement, to be accompanied by the requisite affidavits.

Good cause exists for deferral of the procedural deadlines. As currently scheduled, all applicants are to engage in a comprehensive series of depositions in New Albany, Indiana the week of August 23, 1993, and are to exchange hearing exhibits and submit the engineering exhibit on September 8, 1993. Witness notifications, objections thereto and the admissions session are

10 of Copies rec'd
101 ABCDE

scheduled for the week of September 13, 1993. The hearing is due to commence September 20, 1993. However, approval of the global settlement agreed to by the applicants will eliminate the need for all of the above-listed actions. Deferral will conserve the resources of the applicants, by eliminating the expense associated with out-of-town depositions, hearing and engineering exhibit preparation and attendance at the admissions session and hearing. The Commission's resources will be conserved, as the considerable expense involved in conducting the admissions session and hearing, as well as the need to issue orders in response to pre-hearing motions, will be avoided. The public interest will be served by the conservation of resources and by the opportunity for speedy issuance of a construction permit through a global settlement.

For the foregoing reasons, Staton respectfully requests that the procedural deadlines in the above-captioned proceeding be deferred for 45 days. The applicants will endeavor to complete the tasks necessary for the submission of a request for approval of the settlement as quickly as possible, and will submit the request prior to the expiration of the 45 day deferral, if possible.

Respectfully Submitted,

STATON COMMUNICATIONS, INC.

By:


Donald J. Evans


Marianne H. LePera

Its Counsel

McFadden, Evans & Sill
1627 Eye Street, N.W.
Suite 810
Washington, D.C.
(202) 293-0700

August 17, 1993

CERTIFICATE OF SERVICE

I, Adriana Escalante, a paralegal in the law firm of McFadden, Evans & Sill, do hereby certify that true and correct copies of the foregoing "Motion for Deferral of Procedural Deadlines" were mailed, this 17th day of August, 1993, by First Class U.S. Mail, postage prepaid, to the following:

Honorable Richard L. Sippel
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554
(Via Hand Delivery)

James Shook, Esquire
Hearing Branch, Enforcement Division
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554
(Via Hand Delivery)

Morton I. Berfield, Esquire
John J. Schauble, Esquire
Cohen & Berfield, P.C.
1129 20th Street, N.W., #507
Washington, D.C. 20036
(Counsel for Martha J. Huber)

John Wells King, Esquire
Henry A. Solomon, Esquire
Haley, Bader & Potts
4350 North Fairfax Drive
Arlington, Virginia 22203-1633
(Counsel for Rita Reyna Brent)

Ashton R. Hardy, Esquire
Bradford D. Carey, Esquire
Marjorie R. Esman, Esquire
Hardy & Carey
111 Veterans Boulevard, Suite 255
Metairie, Louisiana 70005
(Counsel for Midamerica Electronics
Service, Inc.)


Adriana Escalante